

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
\$1,130.00

Complete if Known

Application Number: 09 451,641
Filing Date: November 30, 1999
First Named Inventor: Gao, D.
Examiner Name: S. Tran
Group Art Unit: 1615
Attorney Docket No: C-3169-1 US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account
Deposit Account Number: 19-1025
Deposit Account Name: Pharmacia Corporation

The Commissioner is authorized to check all that apply:

☒ Charge fees indicated below ☒ Credit card overpayments
☒ Other any additional fees during the pendency of this application
☐ Charge fees indicated below, except for the filing fee
In the case of credit card deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Re-issue filing	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims		Fee from below		Fee Paid
Total Claims	Fee	Fee	Fee	
20**	0	X		0.00
3**	0	X		0.00
Multiple Dependent				

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	94	2201	47	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	94	2204	47	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

**or number previously paid, if greater. For Re-issues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	65	Non-English specification	
1811	2,520*	1812	1,260*	Extending a request for expedited examination	
1804	920*	1804	460*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	920*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	950.00
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	2451	755	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revise - unavoidable	
1453	1,300	2453	650	Petition to revise - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	2460	65	Petitions to the Commissioner	
1807	50	2807	25	Processing fee under 37 CFR § 1.17(b)	
1806	180	2806	90	Submission of Information Disclosure Statement	180.00
8021	40	8021	20	Recording each patent assignment per property times number of properties	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.125(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	2802	450	Request for expedited examination of a design application	

Other fee (specify):

SUBTOTAL (3) (\$)
\$1,130.00

SUBMITTED BY

Name (Print Type)	James C. Forbes	Registration No (Attorney, Agent)	39,457	Telephone	847-581-6090
Signature	<i>James C. Forbes</i>	Date	October 27, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to be provided by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO 9199; (1-800-786-9199) and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Gao, D. *et al.*) ATTORNEY DOCKET NO.: C-3169-1
)
SERIAL NO.: 09-451,641) GROUP ART UNIT: 1615
)
FILED: November 30, 1999) EXAMINER: S. Tran

TITLE: CELECOXIB COMPOSITIONS

DATE: October 27, 2003

**BY HAND DELIVERY TO USPTO
FOR THE ATTENTION OF EXAMINER SUSAN TRAN, UNIT #1615**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR EXTENSION OF TIME

Applicant hereby makes petition for extension of time of three months for response to the Office Action dated May 20, 2003 in the above-referenced application. A shortened statutory period of three months was set. In connection with this petition, please charge \$950.00 or the sum required under 37 C.F.R. § 1.17(a)(3) to Deposit Account No. 19-1025.

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement (IDS) is filed in accordance with the duty of disclosure under 37 C.F.R. § 1.56 and §§ 1.97-1.98, as supplemented by MPEP § 609. Presentation of documents listed on enclosed Form PTO-1449 is not an admission that any listed document is prior art under the Patent Statutes and the right is reserved to antedate any material described in the listed documents by a showing under 37 C.F.R. § 1.131 or otherwise.

This IDS supplements those submitted on March 24, 2000, October 17, 2001, April 26, 2002, July 10, 2002 and February 18, 2003 and is filed under the provisions of 37 C.F.R. § 1.97(e) accompanied by authorization to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 19-1025.

WO 00/15195 was cited (as Japanese Patent Publication No. 2002-5424492A) in an

action by the Japanese patent office. It is noted that neither WO 00/15195 nor its priority document (Danish Patent Application No. 981143) is available as prior art to the present application under 35 U.S.C. § 102(c), as can be established by applying the guidelines of MPEP § 706.02(f)(1).

All documents submitted herewith except WO 00/15195 were cited in oppositions of counterparts of the present application in Israel and at EPO. Of these documents, Basit *et al.* (2001) has a publication date later than the priority date of the present application. To the best of Applicant's belief none of the art cited in the remaining 29 documents is closer to the present invention than art already of record.

The following documents are in a language other than English and Applicant is not in possession of an English language translation of these.

EP 0 256 933 appears to relate to a granular formulation of fenofibrate, an antihyperlipoproteinemic agent, having a fenofibrate particle size not greater than 50 μm .

EP 0 330 532 is believed to be a counterpart of US 4,895,726, also presented herein, and appears to relate to a gelatin capsule formulation containing co-micronized fenofibrate and solid surfactant, having a mean particle size of the co-micronized mixture of less than 15 μm .

Bauer *et al.* (1991) appears to disclose, on page 104, a table of particle sizes and, on page 203, a general discussion of micronization of drugs.

List (1985) appears to provide a general discussion of dissolution rate.

Voigt (1984) appears to provide a general discussion of drug dissolution.

Applicant regrets that some of the documents provided herewith are poor-quality copies, but they are the best copies presently available to Applicant, and all are legible.

COMMENTS ON INTERVIEW ON OCTOBER 23, 2003

Applicant appreciates the courtesy shown to the undersigned by Examiner Tran and Supervisory Examiner Page in a personal interview in the present matter on October 23, 2003. Applicant agrees that the Interview Summary prepared by the Examiner is an accurate record of the substance of the interview, but adds that it was agreed that rejoinder of method of use claims (Claims 72-75) would be accepted by the Examiner. It was further agreed that Claims 84-90, being composition claims dependent from Claim 1, should be considered together with Claims 1-50 instead of with the process claims (Claims 76-83 and 91-94) as in the Office Action dated

May 20, 2003.

By amendment as proposed herein, the claims are put in condition for immediate allowance as agreed during the interview, subject to the Examiner's review of the art cited in the IDS submitted herewith. The Examiner agreed to call the undersigned upon receipt and consideration of the present amendment and response.

In compliance with the format for amendments now required, an amendment follows, beginning on a separate page.